



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2457 FAX (603) 271-7894



Timothy Dorgan
Caribe Tan
28 Lowell Road
Hudson, New Hampshire 0305

LETTER OF DEFICIENCY
WMB PBF 02-22
May 21, 2002

Dear Mr. Dorgan:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On May 17, 2002, DES inspected the following public bathing facilities at Caribe Tan in Hudson, NH:

- a. The spa in room 1, ("Spa 1");
- b. The spa in room 2, ("Spa 2");
- c. The spa in room 3, ("Spa 3");

During this inspection, the following deficiencies were noted:

1. A recommendation to drain and disinfect Spa 2 was issued on May 20, 2002. The inspection on May 17, 2002 revealed that Spa 2 was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in Spa 2 water:
 - (a) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). Spa 2 water contained greater than 200 CTS/100mL.
2. A recommendation to drain and disinfect Spa 3 was issued on May 20, 2002. The inspection on May 17, 2002 revealed that Spa 3 was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in Spa 3 water:
 - (a) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). Spa 2 water contained 6,900 cfu/mL.
 - (b) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). Spa 2 water contained greater than 400 CTS/100mL.
3. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of Spa 2 water was less than 0.1 mg/L on May 17, 2002. The bromine concentration of Spa 3 water was less than 0.1 mg/L on May 17, 2002.
4. Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of Spa water was 6.8 on May 17, 2002.

- 5 Pursuant to Env-Ws 1103.16(a), disinfection of spa water shall be achieved by continuous feed equipment. Each of the Spas are currently being disinfected by hand feeding.
6. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Written records were not up to date at the time of the inspection relative to the required testing of Spa 1, Spa 2, and Spa 3 water.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- 1 A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. A timetable of when the bromine feeders will be repaired.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

 **COPY**

Jody Connor
Limnology Center Director

cc: Mark Harbaugh, Enforcement Attorney, DES
Russell A. Nylander, P.E., Chief Engineer, WD/DES
Amy Wilson, Public Bathing Facility Coordinator, DES
William Oleksak, Health Officer, Town of Hudson